

## **Rye City Planning Commission Minutes**

November 18, 2003

**PRESENT:**

Barbara Cummings, Chair  
Martha Monserrate, Vice-Chair  
Franklin Chu (partial)  
Hugh Greechan  
Peter Larr  
Patrick McGunagle

**ABSENT:**

None

**ALSO PRESENT:**

Christian K. Miller, AICP, City Planner

**I. HEARINGS**

**None**

**II. ITEMS PENDING ACTION**

**1. Election of Planning Commission Vice-Chair**

At the November 12, 2003 Rye City Council meeting the Mayor designated Barbara Cummings as Chairman of the Planning Commission to fill the position recently vacated by former Chairman Michael Klemens. As provided for under the Commission's by-laws Ms. Cummings nominated Martha Monserrate as Vice-Chair.

On a motion made by Peter Larr, seconded by Patrick McGunagle and carried by the following vote:

AYES: Barbara Cummings, Hugh Greechan, Peter Larr, Patrick McGunagle  
NAYS: None  
ABSTAIN: Martha Monserrate  
ABSENT: Franklin Chu

the Planning Commission took the following action:

**ACTION:** The Planning Commission elected Martha Monserrate as Vice-Chair.

Chair Cummings also requested that the Commission's December 9, 2003 agenda include a discussion of proactive planning projects the Commission could undertake for the upcoming year.

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### **2. 30 High Street**

The Commission reviewed the revised site plan/subdivision plat. The Commission discussed the adequacy of the proposed number of parking spaces. The City Planner advised that four parking spaces were proposed for each two-family unit, exceeding the minimum requirements of the Rye City Zoning Code. The Commission agreed that two parking spaces for each residential unit was acceptable.

The Commission requested that the driveway easement be amended to grant the City of Rye the right to use the driveway to gain access to the City sewer line on the property. The Commission further requested that all easements and property restrictions be reviewed by corporation counsel for their adequacy prior to final subdivision and site plan approval.

On a motion made by Peter Larr, seconded by Martha Monserrate and carried by the following vote:

AYES: Barbara Cummings, Hugh Greechan, Peter Larr, Patrick McGunagle,  
Martha Monserrate

NAYS: None

RECUSED: None

ABSENT: Franklin Chu

the Planning Commission took the following action:

ACTION: The Planning Commission adopted a resolution of conditional approval for preliminary subdivision, site plan and use permitted subject to additional standards and requirements application number SUB281 and SP275.

### **3. Beechwind**

Minutes of the Commission's discussion of this application will be provided at a later date.

### **4. Rye Subaru**

Anthony Gioffre (applicant's attorney) provided an overview of the application noting that it involved the demolition of an existing building and construction of a new 5,000 square-foot vehicle dealership. Mr. Gioffre noted that new drainage, lighting and landscaping would be provided and that the project would be a significant aesthetic enhancement over the existing condition of the property. Mr. Gioffre stated that 50 parking spaces are provided consistent with the requirements on the Rye City Zoning Code. Of these 50 spaces, 16 would be provided for visitors and employees and the remaining 29 would be set aside for service (including 5 spaces within the service bays inside the building).

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1  
2 Rex Gedney (applicant's architect) noted that as requested by the Commission, the  
3 applicant has explored the possibility of re-establishing the previous access way that  
4 extend from Boston Post Road to the Metro-North property located along the applicant's  
5 northern property line. Mr. Gedney stated that the alignment of the access way would  
6 require permission from the adjacent property owner, Metro-North. Mr. Gioffre added  
7 that based on consultations with City official there are some concerns with the liability of  
8 reestablishing the walkway and maintenance costs such as snow removal.  
9

10 Mr. Gedney discussed the provisions to unload vehicles, acknowledging the  
11 Commission's previously stated concern regarding the impact of loading vehicles on  
12 traffic flow on Boston Post Road. Mr. Gedney noted that the applicant, consistent with  
13 current practice, would unload vehicles in the Metro-North parking lot. A second option  
14 would be to unload vehicles at off-site lots, which the applicant has access to in Port  
15 Chester, Stamford or New Rochelle and then have the vehicles driven to the Rye  
16 property.  
17

18 The Commission questioned what would happen to the existing Subaru dealership  
19 located around the corner on McCullough Place. Mr. Gioffre stated that that building  
20 would continue to be used as a back-office for the adjacent Ford dealership as it is  
21 today. Mr. Gioffre noted that Subaru requires a separate showroom building for its  
22 vehicles. The current building satisfies that requirement by having a Subaru vehicle, but  
23 that most of the current operations are related to the Ford dealership.  
24

25 The Commission discussed the existing encroachment of asphalt onto the adjacent  
26 property owned by the City of Rye. The Commission stated that the applicant would  
27 need to discontinue using this area or seek a license agreement, including appropriate  
28 compensation, from the City Council. Mr. Gedney noted that the site plan proposes to  
29 maintain that area in its current condition and configuration and that no changes are  
30 proposed.  
31

32 The Commission questioned the status of the prior environmental cleanup on the  
33 property. Mr. Gedney stated that the clean up has been completed and signed-off on  
34 by New York State Department of Environmental Conservation. The source of the prior  
35 contamination was difficult to determine, but was probably related to pollutants being  
36 discharged into a drainage system that traveled from the applicant's property to the  
37 adjacent Metro-North property.  
38

39 The Commission discussed the proposed lighting plan and requested that additional  
40 information be provided. The Commission requested that the type and intensity of  
41 lighting for the site should be similar to that provided at the credit union property located  
42 at the intersection of Midland and Peck Avenue. Mr. Gedney stated that 400-watt bulbs  
43 located on 17-foot fixtures would be provided for the site and that a lighting plan would  
44 be provided for the Commission's review. Mr. Gioffre stated that the homeless are

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1 starting to frequent the applicant's property at night and that a reasonable lighting level  
2 will be necessary to deter this activity.

3  
4 The Commission discussed the proposed drainage system. Mr. Gedney stated that the  
5 drainage plan was prepared with the input of the City Engineer and involves placing a  
6 42" pipe under the parking and landscape area to provide some detention capacity, with  
7 an overflow for larger storm event to the existing drainage system.

8  
9 Pam Lester (applicant's landscape architect) provided an overview of the proposed  
10 landscape plan noting that the objective was to provide plant material that would provide  
11 some seasonal interest and was hardy enough to withstand the impact of an urban  
12 environment such as salt from snow plows on Boston Post Road. Ms. Lester noted that  
13 the plant material was limited to shrubs and ground cover since trees would interfere  
14 with the sub-surface drainage system.

15  
16 On a motion made by Patrick McGunagle, seconded by Franklin Chu and carried by the  
17 following vote:

18  
19 AYES: Barbara Cummings, Franklin Chu, Hugh Greechan, Peter Larr, Patrick  
20 McGunagle, Martha Monserrate

21 NAYS: None

22 RECUSED: None

23 ABSENT: None

24  
25 the Planning Commission took the following action:

26  
27 ACTION: The Planning Commission set a public hearing on site plan application  
28 number SP276 for its next meeting on December 9, 2003.

### **5. Gingrich Residence**

31  
32  
33 Pam Lester provided an overview of the application noting that it involved a request for  
34 wetland permit approval to construct a two-car garage and rear building an addition to  
35 an existing residence located within the 100-foot buffer of Blind Brook. A portion of the  
36 existing driveway pavement would be removed to mitigate some of the proposed  
37 increase in impervious area. In addition, Ms. Lester stated that landscape mitigation  
38 plantings would be provided. The Commission requested that the 318 square-feet of  
39 mitigation area relocated so that it is adjacent to the Brook rather than adjacent to the  
40 residence.

41  
42 Jim McGee (CC/AC member) stated that the CC/AC found the application acceptable  
43 and that it did not represent a significant increase in impervious area. Mr. McGee  
44 stated that measures should be provided to address stormwater. Ms. Lester responded  
45 that the plan includes sub-surface detention.

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1  
2 The Commission suggested that the design of the residence raise the first floor  
3 elevation as much as possible due to prevalence of flooding in the area. The City  
4 Planner agreed, but noted that based on information provided by the applicant's  
5 architect regarding the value of the existing structure and improvement that it was not  
6 required to comply with the requirements of the City's Floodplain Management Law.

7  
8 Darcy Gibson (applicant's architect) discussed the design of the residence and the  
9 applicant's need to have a home office located on the first floor.

10  
11 On a motion made by Patrick McGunagle, seconded by Peter Larr and carried by the  
12 following vote:

13  
14 AYES: Barbara Cummings, Franklin Chu, Hugh Greechan, Peter Larr, Patrick  
15 McGunagle, Martha Monserrate

16 NAYS: None

17 RECUSED: None

18 ABSENT: None

19  
20 the Planning Commission took the following action:

21  
22 ACTION: The Planning Commission set a public hearing on wetland permit  
23 application number WP144 for its next meeting on December 9, 2003.

### **6. Rockridge Christmas Tree Sales**

24  
25  
26  
27  
28 On a motion made by Peter Larr, seconded by Patrick McGunagle and carried by the  
29 following vote:

30  
31 AYES: Barbara Cummings, Franklin Chu, Hugh Greechan, Peter Larr, Patrick  
32 McGunagle, Martha Monserrate

33 NAYS: None

34 RECUSED: None

35 ABSENT: None

36  
37 the Planning Commission took the following action:

38  
39 ACTION: The Planning Commission adopted a resolution granting temporary use  
40 permit for the sale of Christmas trees for a property located at 280  
41 Purchase Street.

### **7. Tanney**

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1 The City Planner noted that the applicant obtained a building permit, started  
2 construction, but that the project is not "substantially completed" as required by the  
3 expiration provision in the original resolution of approval. The City Planner  
4 recommended that the Commission approve the resolution granting a one-year  
5 extension of time.

6  
7 On a motion made by Peter Larr, seconded by Patrick McGunagle and carried by the  
8 following vote:

9  
10 AYES: Barbara Cummings, Franklin Chu, Hugh Greechan, Peter Larr, Patrick  
11 McGunagle, Martha Monserrate

12 NAYS: None

13 RECUSED: None

14 ABSENT: None

15  
16 the Planning Commission took the following action:

17  
18 ACTION: The Planning Commission adopted a resolution granting a one-year  
19 extension of time to site plan application number SP258.  
20